

SANTA FE COUNTY

RESOLUTION NO. 2023-105

A RESOLUTION PROVIDING NOTICE OF DETERMINATION NOT TO UPDATE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN OR IMPACT FEES FOR SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES

SFC CLERK RECORDED 11/03/2023

WHEREAS, the New Mexico Development Fees Act (NMSA 1978, §§ 5-8-1 et seq.) (the "Act"), provides a mechanism for the County to collect funds in unincorporated areas of the County for capital improvements related to fire, rescue, and emergency medical service provision in the County Fire District where the fee is collected;

WHEREAS, Santa Fe County approved Ordinance 1995-04 to collect Fire and Rescue Impact Fees based on the gross covered floor area of development in order to partially fund fire and rescue facilities and equipment, the demand for which is generated by growth in previously designated fire protection districts;

WHEREAS, pursuant to the Act, every 5 years the County must review and make a determination of updates of the Land Use Assumptions (LUA) and Capital Improvements Plan (CIP) that support the impact fee;

WHEREAS, the Board of County Commissioners (BCC) last reviewed the Fire and Rescue Impact Fee LUA and CIP in October 2018 and determined to maintain the impact fees with no increase or change in the fee structure;

WHEREAS, the next review of the LUA and CIP are due in October 2023;

WHEREAS, pursuant to the Act, as a part of the review process, a County Capital Improvements Advisory Committee (CIAC), initially formed in 2013 by Resolution 2013-73, must review the LUA and CIP and file written comments on them with the BCC;

WHEREAS, new members were appointed to the CIAC on April 2021, and the CIAC submitted written comments to the BCC recommending that the LUA and CIP remain unchanged pending a broader evaluation of land use assumptions and capital improvement plans as contemplated by Chapter 12, Section 12.5, *Development Fees*, of the Sustainable Land Development Code, Ordinance No. 2016-9;

WHEREAS, the BCC has reviewed the written comments from the CIAC and is now prepared to act on those comments; and

WHEREAS, the map attached hereto as Exhibit B accurately depicts the geographic area within which the impact fees shall apply.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Santa Fe County as follows:

1. No update to the Land Use Assumptions, Capital Improvements Plan or impact fees is necessary at this time.
2. The Notice of Determination Not to Update Land Use Assumptions, Capital Improvements Plan or Impacts Fees, attached hereto as Exhibit A, including the map attached to that Notice depicting the geographic area within which the impact fees have historically been applied and will continue to be applied, shall be published in accordance with the Santa Fe County Land Development Code requirements for noticing change-of-zoning requests.

APPROVED, ADOPTED AND PASSED this 10th day of October, 2023.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: *Anna Hansen*
Anna Hansen, Chair



SFC CLERK RECORDED 11/03/2023

Attest:

Katharine E. Clark
Katharine E. Clark, County Clerk

Approved as to Form:

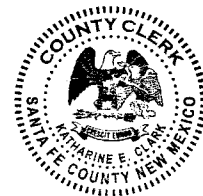
Jeff Young

Jeff Young, County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
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I Hereby Certify That This Instrument Was Filed for
Record On The 3RD Day Of November, 2023 at 11:28:38 AM
And Was Duly Recorded as Instrument # **2022839**
Of The Records Of Santa Fe County



Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy *Katharine E. Clark* County Clerk, Santa Fe, NM

**NOTICE OF DETERMINATION NOT TO UPDATE LAND USE ASSUMPTIONS,
CAPITAL IMPROVEMENTS PLAN OR IMPACT FEES**

- A. On October 10, 2023, at a regular meeting of the Santa Fe County Board of County Commissioners, the Board of County Commissioners of Santa Fe County adopted Resolution 2023- __ and determined that no change to the land use assumptions, capital improvements plan or impact fees was necessary.
- B. The impact fees shall continue to apply in the unincorporated boundaries of the County, as depicted on the map attached hereto and made a part hereof by reference.
- C. If, within sixty days after publication of this Notice, a person makes a written request to the Board of County Commissioners of Santa Fe County c/o Jacob Black, Fire Chief at P.O. Box 276, Santa Fe, New Mexico, 87504-0276, requesting that the land use assumptions, capital improvements plan or impact fees be updated, the Board of County Commissioners may accept or reject such request by following the requirements of NMSA 1978, §§ 20 through 35 (the Development Fees Act).

EXHIBIT A

SFC CLERK RECORDED 11/03/2023